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*Attorneys for Defendant
Kohl's Department Stores, Inc.*

14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

16 KIRBY SPENCER, individually and
17 on behalf of all others similarly
18 situated,

19 Plaintiff,

20 v.

21 KOHL'S DEPARTMENT STORES,
22 INC.,

23 Defendant.

Case No. 2:14-cv-01646-RFB-CWH

**[JOINT PROPOSED]
AMENDED SCHEDULING ORDER**

24
25 Plaintiff Kirby Spencer ("Plaintiff"), by and through his attorneys Craig K.
26 Perry & Associates and McGuire Law, P.C., and Defendant Kohl's Department
27 Stores, Inc. ("Defendant" or "Kohl's"), by and through its attorneys Pisanelli Bice
28 PLLC and Kelley Drye & Warren LLP, pursuant to Local Rules 6-1, 6-2 and 7-1,

1 and Fed. R. Civ. P. 16, hereby stipulate as follows:

2 1. Plaintiff commenced this action on October 7, 2014. (Dkt. 1).

3 2. On February 5, 2015, Plaintiff filed his Motion for Leave to File
4 Amended Complaint, seeking leave to add class allegations. (Dkt. 20) (“Motion for
5 Leave”).

6 3. On September 30, 2015, the Court granted Plaintiff’s Motion for Leave.
7 (Dkt. 49).

8 4. Pursuant to the Court’s September 30, 2015 Order, Plaintiff filed his
9 First Amended Complaint on October 13, 2015. (Dkt. 50).

10 5. On November 13, 2015, Kohl’s filed its Answer to the First Amended
11 Complaint. (Dkt. 53).

12 6. On August 31, 2015, this Court granted the Parties’ Stipulation (Dkt.
13 44), extending the discovery deadline to November 16, 2015. (Dkt. 45).

14 7. Due in large part to the pendency of the Motion for Leave and the
15 recent filing of the First Amended Complaint, however, significant discovery
16 remains outstanding for both Parties, including document production and deposition
17 scheduling.

18 8. Additionally, counsel for Plaintiff and for Kohl’s have met and
19 conferred and agree that, in light of the recent filing of the First Amended
20 Complaint with class allegations, good cause exists to extend the deadline to
21 complete discovery.

22 9. Kohl’s reserves the right to object to discovery requests seeking the
23 production of records/data related to the entire putative class on the basis that such
24 records/data are not or will not become relevant unless and until a class is certified.
25 Plaintiff reserves the right to contest any such objection.

26 10. As such, Plaintiff and Kohl’s agree to the following Amended
27 Scheduling Order and ask that the Court enter the same:

- | | | |
|----|----------------------------|--|
| 1 | 1. Deadline to amend | December 13, 2015 |
| 2 | pleadings and add parties: | |
| 3 | 2. Plaintiff's Expert | March 8, 2016 |
| 4 | Disclosures: | |
| 5 | 3. Defendant's Rebuttal | April 5, 2016 |
| 6 | Expert Disclosures: | |
| 7 | 4. Discovery Cut-Off: | May 3, 2016 |
| 8 | 5. Deadline to File Motion | May 27, 2016 |
| 9 | for Class Certification: | |
| 10 | 6. Dispositive Motions | No later than 60 days after Court's |
| 11 | | ruling on Motion for Class |
| 12 | | Certification |

13 11. This Stipulation is made in good faith and not for the purpose of delay
14 or for any other improper purpose. No trial date has yet been set in this case and no
15 motions are currently pending.

16 **WHEREFORE**, Plaintiff Kirby Spencer and Defendant Kohl's Department
17 Stores, Inc. hereby stipulate and respectfully request that the Court enter an
18 Amended Scheduling Order in accordance with the dates set forth herein.

19 Dated: November 23, 2015

Respectfully submitted,
MCGUIRE LAW, P.C.

By: /s/ Evan M. Meyers
Evan M. Meyers (admitted *pro hac vice*)
Attorneys for Plaintiff Kirby Spencer

23 Dated: November 23, 2015

PISANELLI BICE PLLC

By: /s/ Jordan T. Smith
Jordan T. Smith (Nev. Bar No. 12097)
Attorneys for Defendant
Kohl's Department Stores, Inc.

1 Pursuant to Stipulation, **IT IS SO ORDERED.**

2
3 Dated: _____

By: _____
Magistrate Judge Carl W. Hoffman
United States Magistrate Judge